

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**SAVANNAH COLLEGE OF ART AND  
DESIGN, INC.,**

Plaintiff,

**CASE No. C-1-02-490**

vs.

Judge Beckwith

**PHILIPPE HOUEIX,**

Magistrate Hogan

Defendant.

**DEFENDANT'S AFFIDAVIT CONTRA  
TO PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT**

**STATE OF OHIO } COUNTY OF HAMILTON] ss:**

Being duly cautioned that the penalties for perjury could apply and being sworn, the undersigned, Philippe Houeix, states the following to be true to his personal knowledge.

During September 1998, Defendant, Philippe Houeix, responded to Plaintiff's employment advertisement while residing in France. Defendant was hired and began teaching during the summer quarter, June 1999, at Plaintiff's college.

2. Prior to the execution of the initial employment agreement, Defendant was not informed of the fraudulent grade scheme for master degree courses.

3. During August 2000, Plaintiff required defendant to enroll in a course of study that would result in a Master's Degree being granted. Defendant enrolled in master's degree courses during a one year period. A course, during each of three quarters was scheduled for the same time, that Defendant was scheduled to teach a class. During the summer of 2001, Defendant was enrolled in three classes that did not exist. Defendant did not attend any master degree class during the one year. Defendant was awarded an "A" grade for the eight courses, and with one incomplete grade.

24. There are many web sites that incorporate *scad* in the website address. There are two computer application programs known as *SCAD*. There is an art college that uses the acronym of *SCAD* that is Seian College of Art and Design located in Seian Japan. Attached as Tab 2, is a table listing web addresses using *scad*, copies of homepages are attached. Plaintiff's use of *SCAD* is not unique. There is no evidence to support any of the factors of 15 U.S.C. § 1125(d)(B)(i).

25. The website *scad.info* does not solicit students to attend another art school, nor does it request that prospective students not attend Plaintiff's school. Attached as Exhibit F are home pages copied from the web site *scad.info* and *scad-and-us.info* together with copies of the webpages that are linked to *scad.info* and *scad-and-us.info*:

[www.savannahnow.com/ubb/Forum7/HTML/000182.html](http://www.savannahnow.com/ubb/Forum7/HTML/000182.html), Savannah now.co forum

[http://teachers.net/mentors/higher\\_education/topic257/6.11.01.13.16.39.html](http://teachers.net/mentors/higher_education/topic257/6.11.01.13.16.39.html) teacher.com forum

<http://pub97.ezboard.com/ffailure75800frm1.showMessage?topicID=89.topic> student forum

[www.worldstudent.com/uk/mag/features/accreditation.shtml](http://www.worldstudent.com/uk/mag/features/accreditation.shtml), foreign student information.

None of the pages that are remotely linked to *scad.info* and *scad-and-us.info* have deceptive link boxes, there is no deception in linkage. The remotely linked sites do not offer the sale of services or products, and are not in competition with Plaintiff, and do not have deceptive link boxes.

26. Defendant's use of *scad.info* is a form of news reporting or news commentary. Newspaper and magazine articles (see two article link boxes) concerning Plaintiff school are archived and discussed. Defendant's use of *scad.info* is a noncommercial use.

27. At *scad.info* homepage My Case links to Defendant's narrative, from here the two links lead to his Index of evidence entitled "Copy of documents related", which has the grade reports, master class schedule and his conflicting instructor's schedule. Defendant is shown to be teaching and attending class at

Tab

SCAD is used on the internet, and in numerous domain names to identify various products and services. A few examples are shown by the following table.

**WEBSITE**

vwww.scad.ac.jp

vwww.scad.demon.co.uk

vwww.scad.uqam.ca

montic.de/html/scad.html

scad-group.com

www.scadgroup.com

www.princeton.edu/scad

scad.utdallas.edu

www.indexingsociety.ca/accueil.html

www.dsi.co.kr/scad.html

**GROUPS NAME**

SCAD Seian College of Art & Design

SCAD-Skipton & Craven Action for Disability

SCAD-Service de Consultation en Analyse de Donne's

SCAD-Skating Club At Dartmouth

SCAD-Diving

SCAD-Group Copyright claimed

SCAD-OFFICE “ ”

Support for Computing in Academic Department (SCAD)

Systems and Control Archive at Dallas (SCAD)

SCAD-Supreme Court Advance Decisions

SCAD-Society Canadienne pour l'analyse de documents

SCAD-South Carolina Association of the Deaf

SCAD™1.0 Korean Corp. & US affiliate



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 □@ □@'E' E□p□ê□U□~z□u.7x»□ê□U

□ @ □ @ CE (E) □

入票情報

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☐@☐@☒δ"N"x"úZZ(ε%Ê☐^"áSw"A"áz—L

$$\square \alpha \square X \square V \rightarrow \delta \rightarrow \delta$$

□α□X□V-5-δ  
□@□EInformation.E"W-%oi,101-n,δ'Ç%Á,μ,Û,μ,½0B0i2/50j  
Information.E"W-%oi,101-n,δ'Ç%Á,μ,Û,μ,½0B0i2/40j  
Information.E"W-%oi,101-n,δ'Ç%Á,μ,Û,μ,½0B0i2/40j

□α□X□V—5—δ  
 □@□EInformation,É“W—%i,□i□-ñ,δ’Ç%Á,μ,Û,μ,½□B□i24□j  
 □@□EInformation,É“W—%i,□i□-ñ,δ’Ç%Á,μ,Û,μ,½□B□i125□j  
 □@□EInformation,É“W—%i,□i□-ñ,δ’Ç%Á,μ,Û,μ,½□B□i122□j

□@□EInformation,E'W——%01,101-ñ,δ C7601,1,1,  
 □@□EInformation,E'W——É0UWAZAWAZA□v'W,i-ñ□□,1,8E101,1,  
 □@□EŠw□□Š~@-ñ□□,É0UWAZAWAZA□v'W,i-ñ□□,1,8E101,1,  
 □@□EŠw□□Š~@-ñ□□,É0UWAZAWAZA□v'W,i-ñ□□,1,8E101,1,  
 □@□EŠw□□Š~@-ñ□□,É0UWAZAWAZA□v'W,i-ñ□□,1,8E101,1,

Information, i.e. n, d' C% A, m, U, m, 1/2 B O i / 21 O j

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 □@EInformation,i□i·ñ,δ'Ç%Á,μ,Ü,μ,½□B□i1/21□j  
 □@EInformation,E'²E□i·i'w,i□i·ñ,δE□Ü,μ,Ü,μ,½□B□i1/7□j

☐ @ ☐ Information, E<sup>2</sup>(E<sup>1</sup>)<sup>1</sup> W, E<sup>1</sup> E<sup>1</sup>

□@

<http://www.scad.ac.jp/>

02/19/2002

*www.scad.demon.co.uk*



# Skipton & Craven Action for Disability

## Home Page

Skipton & Craven Action for Disability .....in Craven..... fo




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Skipton and Craven Action for Disability (Known as Scad ) is open to all people with disabilities in the Craven area. Our aims are:

- to enhance quality of life for people with disabilities
- to help with access to mainstream activities
- to campaign at local, county and national level on disability issues
- to offer financial support in approved cases

In order to fulfil our aims we undertake various activities:

- accessible transport service
- accessible canal boat trips
- trips and outings



# Service de Consultation en Analyse de Données



## Bienvenue au site WWW du SCAD

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### Informations disponibles sur ce serveur:

- [À propos du SCAD](#)
- [Comment obtenir une consultation?](#)
- [Les séminaires du SCAD](#)
- [Le Groupe d'intervention scientifique](#)
- [Vision d'avenir](#)

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Le SCAD est un service de consultation en matière de traitement et d'analyse des données. Il offre à la communauté de l'UQAM une expertise solide dans plusieurs domaines et ce pour toutes les étapes d'un projet de recherche comportant l'utilisation de données statistiques.

On peut recourir aux services du SCAD à des fins de recherche pour:

- la modélisation des phénomènes naturels et socio-économiques;
- la conception de méthodologies nouvelles;
- l'élaboration de solutions originales à l'étude de cas complexes.

Le SCAD offre également son support pour tout ce qui concerne:

- la planification d'expériences;
- la collecte des données;
- la gestion informatique des données;
- l'utilisation de logiciels;
- l'analyse et l'interprétation des résultats.

Quel que soit son niveau d'intervention, le SCAD fait usage d'outils contemporains et de méthodologies constamment mises à jour.

Ce site veut servir de lien rapide et continu entre le SCAD et ses usagers. Son rôle est de permettre l'utilisation efficace des services, de favoriser l'échange d'information entre les intervenants et d'offrir une plate-forme de diffusion pour la recherche à laquelle le SCAD est associé.

**Envoyer un message au SCAD.**

**Université du Québec à Montréal**  
***Dernière révision: 12 décembre 1997***



## Welcome to SCAD

<a href="#">Holiday Show</a>	<a href="#">General Info</a>	<a href="#">Skating Schedule</a>	<a href="#">Scholarship</a>	<a href="#">Competitions</a>	<a href="#">History</a>	<a href="#">Testing</a>
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Updated 1/19/99

**\*NEW! Check out the entry form for the 1999 SCAD Competition!**

**\*Click here to go to Figure Skater's Resource (FSR). It's the largest retail figure skating catalog on the web. Their address is <http://www.figureskaters-resource.com>.**

Please send comments



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